



**NUMBER 13-19-00260-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**IN THE INTEREST OF A.A.A. AND J.L.A. JR., CHILDREN**

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**On appeal from the 343rd District  
Court of Bee County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Benavides, Hinojosa, and Tijerina  
Memorandum Opinion by Justice Tijerina**

Appellant Jose Luis Aguilar filed a notice of appeal from an “Order in Suit for Modification of Support and to Confirm Support Arrearage” issued on April 9, 2019 in trial court cause number B-08-1001-CV-C in the 343rd District Court of Bee County, Texas. We dismiss the appeal for want of prosecution because appellant has failed to timely file a second amended brief as ordered by this Court.

The clerk’s record was filed on September 9, 2019. On October 11, 2019, this Court notified appellant by letter that there was not a reporter’s record and that

appellant's brief was due on or before November 12, 2019. Subsequently, appellant filed his original brief and then his first amended brief with a motion for leave to file the brief. On January 6, 2020, this Court notified appellant that his amended brief was not in compliance with the Texas Rules of Appellate Procedure.

On January 30, 2020, we granted appellant's motion for leave to file the brief and ordered appellant to file an amended brief on or before March 2, 2020. We advised appellant that we would not grant any further extensions of time to file the brief "absent exigent circumstances." Nevertheless, more than nine months has passed and appellant has not filed a second amended brief or a motion for extension for time to file a second amended brief.

This Court has the authority to dismiss an appeal for want of prosecution or because the appellant has failed to comply with a requirement of the appellate rules, a court order, or a notice from the clerk requiring a response or other action within a specified time. See TEX. R. APP. P. 42.3(b),(c); *Smith v. DC Civil Constr., LLC*, 521 S.W.3d 75, 76 (Tex. App.—San Antonio 2017, no pet.). The appellant has failed to comply with the appellate rules or respond to the directives of the Clerk regarding filing an amended brief. See TEX. R. APP. P. 42.3(c). Based on the foregoing, we strike appellant's first amended, non-conforming brief, prohibit appellant from filing another, and proceed as if appellant had failed to file a brief. See *id.* 38.9(a). We dismiss this appeal for want of prosecution and because the appellant failed to comply with the requirements of the appellate rules and directives from the Clerk. See *id.* R. 38.8(a), 38.9(a), 42.3(b),(c); *Johnson v. Dallas Hous. Auth.*, 179 S.W.3d 770, 770 (Tex. App.—Dallas 2005, no pet.).

JAIME TIJERINA  
Justice

Delivered and filed the  
3rd day of December, 2020.